



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3670

Introduced 2/22/2021, by Rep. Frances Ann Hurley

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-13 new

Amends the Unified Code of Corrections. Provides that the Department of Corrections shall not make possession of a Firearm Owner's Identification Card a condition of continued employment as a correctional officer if the correctional officer's Firearm Owner's Identification Card is revoked or seized because the correctional officer has been a patient of a mental health facility and the correctional officer has not been determined to pose a clear and present danger to himself, herself, or others as determined by a physician, clinical psychologist, or qualified examiner. Nothing in this Section shall otherwise impair the Department's ability to determine a correctional officer's fitness for duty. Provides that a collective bargaining agreement already in effect on this issue on the effective date of the amendatory Act cannot be modified, but on or after the effective date of the amendatory Act, the Department cannot require a Firearm Owner's Identification Card as a condition of continued employment in a collective bargaining agreement. Provides that the Department shall document if and why a correctional officer has been determined to pose a clear and present danger. Defines "mental health facility" and "qualified examiner".

LRB102 17034 KMF 22460 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 adding Section 3-2-13 as follows:

6 (730 ILCS 5/3-2-13 new)

7 Sec. 3-2-13. Possession of a Firearm Owner's
8 Identification Card. The Department of Corrections shall not
9 make possession of a Firearm Owner's Identification Card a
10 condition of continued employment as a correctional officer if
11 the correctional officer's Firearm Owner's Identification Card
12 is revoked or seized because the correctional officer has been
13 a patient of a mental health facility and the correctional
14 officer has not been determined to pose a clear and present
15 danger to himself, herself, or others as determined by a
16 physician, clinical psychologist, or qualified examiner.
17 Nothing in this Section shall otherwise impair the
18 Department's ability to determine a correctional officer's
19 fitness for duty. A collective bargaining agreement already in
20 effect on this issue on the effective date of this amendatory
21 Act of the 102nd General Assembly cannot be modified, but on or
22 after the effective date of this amendatory Act of the 102nd
23 General Assembly, the Department cannot require a Firearm

1 Owner's Identification Card as a condition of continued
2 employment in a collective bargaining agreement. The
3 Department shall document if and why a correctional officer
4 has been determined to pose a clear and present danger. In this
5 Section, "mental health facility" and "qualified examiner"
6 have the meanings provided in the Mental Health and
7 Developmental Disabilities Code.